

Docket No. MCP0295DIV

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Harry S. Sowden et al. Confirmation No.: 5149  
Serial No. : 10/782,551 Art Unit: 3651  
Filed : February 19, 2004 Examiner: Joseph E Valenza  
For : Systems, Methods and Apparatuses for Manufacturing  
Dosage Forms

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 18, 2005  
(Date of Deposit)

David R. Crichton  
(Name of applicant, assignee, or Registered Representative)

  
(Signature)

January 18, 2005  
(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This copy is supplemental to the Information Disclosure  
Statement mailed on August 25, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37  
C.F.R. §§1.97-1.98, information relating to the above-  
identified application is hereby disclosed. Inclusion of  
information in this statement is not to be construed as an  
admission that this information is material as that term is  
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the  
patentability of the claimed invention over any of the  
information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e)  
(attached); or
- ☐ Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:


☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MCP0295DIV/DRC. This form is submitted in triplicate.

Respectfully submitted,

  
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David R. Crichton  
Reg. No. 37,300  
Attorney for Applicants

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One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
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DATED: January 18, 2005

# Interoffice Memo

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TO: David Crichton

DATE: January 13, 2005

RE: MCP0295USDIV

Receipt of the Notice of Allowance for MCP5011USCIP, prompted me to review the prior art in this case as well. I discovered several pieces of art that were cited by the Examiner in the CIP application (MCP5011USCIP), the D'ARCY ET AL publication from the parent application (MCP0295USNP) as well as EP0963836A1 which was cited in the corresponding PCT Search Report were not cited yet in this application. Please review the art to determine if it is relevant to this application. I have prepared the following documents in case you wish to cite the art:

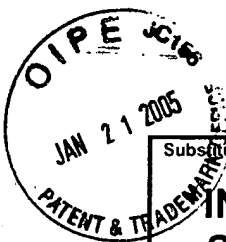
- 3<sup>rd</sup> Supplemental Information Disclosure Statement
- PTO Form 1449
- Copies of References

Since a Final Rejection was received in this application, in order to cite the art, you will need to file the SIDS along with a RCE.

This memo has been uploaded into FTF. The enclosures have not been uploaded since you may not wish to mail them and they require your signature. The documents can be accessed in L:\LAWSHARED\LAWPATLAW\DR\MCP\MCP0295\ folder along with electronic copies of all the references. If you mail these documents to the PTO, instruct your assistant to upload the documents into FTF.

Peggy Turner  
Paralegal  
Ext. 2543

Enclosures



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Confirmation Number	5149
Application Number	10/782,551
Filing Date	February 19, 2004
First Named Inventor	Harry S. Sowden
Group Art Unit	3651
Examiner Name	Joseph E. Valenza
Attorney Docket Number	MCP0295DIV

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		2,823,789	A	Henning	02-18-1958	
		2,931,276	A	Zerlin	04-05-1960	
		3,458,968	A	Gregory, Jr.	08-05-1969	
		3,884,143	A	Ackley	05-20-1975	
		5,429,226	A	Ensch et al.	07-04-1995	
		5,813,513	A	Taube	09-29-1998	
		6,272,446	B1	Baekke et al.	08-07-2001	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		EP	0 963 836	A1	Bonals, S.A.	12-15-1999		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		D'ARCY ET AL., Int'l J. of Pharm., Vol. 88 (1992) pp 285-291. (Catellani)	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450